

FOR: Detection of Unauthorized Account Transactions

APPEAL BRIEF

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APPEAL BRIEF

Appellant timely filed a Notice of Appeal to this Board on May 21, 2007 appealing the decision of the Examiner in the Final Office Action dated May 3, 2007 for the above captioned application. Appellant hereby submits this Appeal Brief pursuant to 37 C.F.R. 41.37.

(1) REAL PARTY IN INTEREST

The real party of interest in this action is International Business Machines Corporation, the recorded assignee of the entire right, title and interest in and to the patent application now under appeal before this Board. International Business Machines Corporation is a corporation of the State of New York, having a place of business in Armonk, New York 10504.

(2) RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, Appellants' legal representative, or Assignee that will affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal.

(3) STATUS OF THE CLAIMS

Claims 1-47 are pending in the application. Claims 1-47 stand rejected. All of the rejected claims 1-47 are under appeal.

(4) STATUS OF AMENDMENTS

Appellant proposed no amendment in response to the Final Office Action on which this appeal is filed. There are no outstanding amendments that have not been entered by the Examiner.

(5) SUMMARY OF THE CLAIMED SUBJECT MATTER

There are 3 independent claims involved in this appeal, including independent method claim 1, independent computer program product claim 21, and independent "means plus function" system claim 40. Support for the claimed subject matter is provided parenthetically with reference to the specification and the drawings. However, the specification may include further support for the claimed subject matter, and the Summary is provided to guide the Board in its understanding of the claimed subject matter rather than to necessarily limit the scope of the claims to what is included parenthetically in this Summary.

Independent claim 1 is directed to a method for detecting unauthorized use of an account (p. 2, line 28; p. 6, line 11). A "first request" to authorize an account transaction is received from a vendor [e.g., received *by* the card issuer or card issuer's agent at an authorization server of the card issuer] (p. 2, line 29; p.3, lines 19-20; p. 6, lines 28 – 29; p.8, lines 9-16; p. 17, lines 8-9 and FIG. 3A state 302). A "second request" for authorization is sent to an account holder [e.g., request from the card issuer or card issuer's agent, using the authorization computer] (p. 3, line 1; p. 4, lines 2-5; p. 7. lines 10-14; p. 10, lines 25 – 27; p. 17, lines 20-21 and FIG. 3A state 314). A first electronic response is received from the account holder, the first electronic response providing a personal identification number (PIN), which is either a "normal" PIN or a "duress" PIN (p. 3, lines 1-4; p. 4, line 8; p. 7, lines 14-15; p. 8, lines 1 – 4; p. 12, line 18, and generally p. 13 with regard to PIN number specifics; p. 17, lines 24-25 and FIG. 3A state 316). If the duress PIN is received, then remedial actions are initiated (p. 5, lines 11 – 19; p. 12, lines 22-23 and lines 28-29; p. 15, line 20 – p. 16, lines 1-17; p. 19, lines 9 – 19 and FIG. 3C states 346, 356, 358, 360, 362, 362, 366, and 369).

Independent claim 21 is directed to a computer program product that may be used for detecting unauthorized account use. The computer program product includes receiving instructions, for receiving a first request from a vendor to authorize an account transaction [e.g., received *by* the card issuer or card issuer's agent at an authorization server of the card issuer] (p. 2, line 29; p.3, lines 19-20; p. 6, lines 28 – 29; p.8, lines 9-16; p. 17, lines 8-9 and FIG. 3A state 302). The computer program product also includes sending instructions, for sending a second request for authorization to an account holder [e.g., request from the card issuer or card issuer's agent, using the authorization computer] (p. 3, line 1; p. 4, lines 2-5; p. 7. lines 10-14; p. 10, lines 25 – 27; p. 17, lines 20-21 and FIG. 3A state 314). The computer program product further includes receiving instructions, for receiving a first electronic response from the account holder. The first electronic response provides a PIN, which can be a normal PIN or a duress PIN (p. 3, lines 1-4; p. 4, line 8; p. 7, lines 14-15; p. 8, lines 1 – 4; p. 12, line 18, and generally p. 13 with regard to PIN number specifics; p. 17, lines 24-25 and FIG. 3A state 316). The computer program product also includes initiating instructions, for initiating remedial actions if the duress PIN is received (p. 5, lines 11 – 19; p. 12, lines 22-23 and lines 28-29; p. 15, line 20 – p. 16, lines 1-17; p. 19, lines 9 – 19 and FIG. 3C states 346, 356, 358, 360, 362, 362, 366, and 369).

Independent claim 40 is a means plus function claim directed to a system for detecting unauthorized use of an account. The system includes a means for receiving a first request from a vendor to authorize an account transaction [e.g., received *by* the card issuer or card issuer's agent at an authorization server of the card issuer] (p. 2, line 29; p.3, lines 19-20; p. 6, lines 28 – 29; p.8, lines 9-16; p. 17, lines 8-9 and FIG. 3A state 302). The system includes a means for sending a second request for authorization to an account holder [e.g., request from the card issuer or card issuer's agent, using the authorization computer] (p. 3, line 1; p. 4, lines 2-5; p. 7. lines 10-14; p.

10, lines 25 – 27; p. 17, lines 20-21 and FIG. 3A state 314). The system includes a means for receiving a first electronic response from the account holder providing a PIN, which can be a normal PIN or a duress PIN (p. 3, lines 1-4; p. 4, line 8; p. 7, lines 14-15; p. 8, lines 1 – 4; p. 12, line 18, and generally p. 13 with regard to PIN number specifics; p. 17, lines 24-25 and FIG. 3A state 316). The system includes a means for initiating remedial actions if the duress personal identification number is received (p. 5, lines 11 – 19; p. 12, lines 22-23 and lines 28-29; p. 15, line 20 – p. 16, lines 1-17; p. 19, lines 9 – 19 and FIG. 3C states 346, 356, 358, 360, 362, 362, 366, and 369).

Dependent claims 2, 22, and 41 (claim 41 is means plus function) are directed, further, to requesting approval or refusal of the account transaction from the account holder via a validation request message and receiving a *second* electronic response from the account holder indicating approval or refusal/rejection of the account transaction (p. 3, lines 7-10, p. 14, lines 14-15; p. 18, lines 2-7).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-47 are unpatentable under 35 U.S.C. 102 in view of Zingher (U.S. Pat. No. 5,731,575).

(7) ARGUMENT

(1) Applicable Law

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005); *see also* MPEP § 2111. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004) (Recognizing the USPTO uses a different standard for construing claims than that used by district courts, and that during examination, the USPTO must give claims their broadest reasonable interpretation in light of the specification.). This means that the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004). "Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim. *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004). *See also Liebel-Flarsheim Co. v. Medrad Inc.*, 358 F.3d 898, 906, 69 USPQ2d 1801, 1807 (Fed. Cir. 2004).

The doctrine of claim differentiation is based on "the common sense notion that different words or phrases used in separate claims are presumed to indicate that the claims have different meanings and scope." *Anderson v. Fiber Composites, LLC*, CAFC 05-1434 (2007); *Karlin Tech. Inc. v. Surgical Dynamics, Inc.*, 177 F.3d 968, 971-72 (Fed. Cir. 1999). "To the extent that the absence of such difference in meaning and scope would make a claim superfluous, the doctrine

of claim differentiation states the presumption that the difference between claims is significant.”
Tandon Corp. v. U.S. Int’l Trade Comm’n, 831 F.2d 1017, 1023 (Fed. Cir. 1987).

(2) Claims 1, 21, and 40

The Examiner has not made out a prima facie case of anticipation of independent claims 1, 21, and 40 because Zingher does not disclose each and every element as set out in these claims. It appears that the Examiner has misinterpreted what is being claimed, particularly with regard to the first and second requests recited in the independent claims. Applicant will attempt to remove this apparent confusion in light of what is disclosed in the specification. Applicant would respectfully show that the Examiner's interpretation of the terms "first request" and "second request" are inconsistent with the specification. Applicant would further show that the Examiner's interpretation of claim 1 (and, by the same reasoning, claims 21 and 40) is untenable because that interpretation requires the first and second steps to be duplicative or redundant.

Claim 1, 21, and 40 are directed, respectively, to a method, computer program product, and system for detecting unauthorized use of an account. A "first request" to authorize an account transaction is received from a vendor. As explained in the specification, the first request is sent from the vendor to the card issuer or card issuer's agent, *e.g.*, at an authorization server of the card issuer. A "second request" for authorization is sent to an account holder. As explained in the specification, the second request is sent to the account holder from the card issuer or card issuer's agent, *e.g.*, using the authorization computer. A first electronic response from the account holder provides either a normal PIN or a duress PIN. If the duress PIN is received, then remedial actions are initiated.

In applying Claims 1, 21, and 40 to the Zingher reference, the Examiner contends that the "first request" reads on an implied request by the ATM for a PIN (citing Zingher, FIG. 7, Item 50). This interpretation of the first request is inconsistent with the specification, which shows that the first request means a request being sent from the vendor to the card issuer, not from the vendor to the card holder. While it is true that the Examiner must give the claims the broadest reasonable interpretation, and must not import into a claim limitations that are not part of the claim, the Examiner still cannot give claim terms a meaning that is inconsistent with that of the specification.

In further applying Claims 1, 21, and 40 to Zingher, the Examiner asserts that the "second request also reads on the implied request by the ATM for a PIN (again citing Zingher, FIG. 7, Item 50). In effect, the Examiner interprets the first and second request as both originating by the vendor to the account holder in requesting a PIN. This interpretation is untenable because it requires the first and second steps to essentially be identical, and hence redundant or duplicative. A reasonable interpretation of a claim would not include redundant or duplicative steps, as interpreted by the Examiner in this instance.

An interpretation of the claims that is consistent with the specification does not culminate in this redundancy. When viewed in light of the specification, Claims 1, 21, and 40 are not reciting duplicative claim elements, wherein the first and second requests are identical. Rather, as explained above, the first and second requests originate from different sources and terminate at different destinations, for different purposes. In particular, the first request is sent from the vendor to the card issuer or agent thereof, and the second request is sent from the card issuer or agent to the card holder.

In conclusion, independent claims 1, 21, and 40 are patentable over Zingher because, under a sound and consistent reading of these claims, Zingher does not disclose each and every element as set out in these claims. Dependent claims are allowable for at least the reason that they depend from allowable independent claims.

(3) Claims 2, 22, and 41

The Examiner has not made out a prima facie case of anticipation of claims 2, 22, and 41 because Zingher does not disclose each and every element as set out in these claims. It appears that the Examiner has misinterpreted what is being claimed, particularly with regard to the elements of "requesting approval or refusal" and "receiving a second electronic response," as recited in the independent claims. Applicant will attempt to remove this apparent confusion in light of what is disclosed in the specification. Applicant would respectfully show that the Examiner's application of these elements to Zingher is inconsistent with the specification. Applicant would further show that the Examiner's interpretation of these dependent claims is untenable in view of the respective independent claims 1, 21, and 40 under general claim construction principles, including the Doctrine of Claim Differentiation.

To review, claims 1, 21, and 40 include a "first request" to authorize, sent from the vendor to the card issuer or card issuer's agent, a "second request" for authorization sent to an account holder from the card issuer or card issuer's agent, and a first electronic response from the account holder providing either a normal PIN or a duress PIN. As captured in dependent claims 2, 22, and 41, the method (or computer program product or system) outlined in the independent claims further involves requesting approval or refusal of the account transaction, and receiving a

second electronic response from the account holder indicating approval or refusal of the account transaction.

In applying the Zingher reference to Claims 2, 22, and 41, the Examiner contends that requesting approval of the account transaction reads on an implied request by the ATM for a PIN (citing Zingher, FIG. 7, Item 50). This interpretation of the first request is inconsistent with the specification, which shows that the request for approval or refusal is not a request for authorization via a PIN, but rather is a request for approval of the transaction in view of the transaction details provided. That is why the second element of these dependent claims calls for a second electronic response from the account holder indicating approval or refusal of the account transaction. While the Examiner must give the claims the broadest reasonable interpretation, and must not import into a claim limitations that are not part of the claim, the Examiner cannot give claim terms a meaning that is inconsistent with the specification.

Furthermore, the Examiner's construction of claims 2, 22, and 41 is untenable because it assumes further redundancy in the elements of the claims, this time spanning multiple claims. The Examiner has already assumed, insupportably, that the first and second requests in claim 1 are both redundant requests for a PIN. Now, when reading dependent claim 2 together with independent claim 1, the Examiner is construing the request for approval in claim 2 as yet another request for a PIN, and the second response as the entry of that PIN. This interpretation goes against claim construction principles, in effect asserting a total of three redundant requests for a PIN – this time spanning two claims.

The Examiner's present interpretation of the claim would require redundant or duplicative steps, which is not a sound approach to claim construction. Moreover, the Examiner's construction is at odds with the Doctrine of Claim Differentiation, in that it requires elements of

the dependent claims to be redundant or duplicative of steps already recited in the independent claims. To the extent that the absence of such difference in meaning and scope would make dependent claims 2, 22, and 40 superfluous, the doctrine of claim differentiation presumes that the difference between these claims is significant. *See Andersen v. Fiber Composites*, CAFC 05-1434 (2007).

However, the analysis in this case need not extend to application of the Doctrine of Claim Differentiation, because a reading of the claims consistent with the specification already disposes of this untenable claim construction. That is, the specification specifically teaches that the "second request" of claim 1 involves the request of a PIN, the "first electronic response" is responsive to that request for the PIN, and that the "second electronic response" of claim 2 is responsive to the request for approval or refusal of claim 2.

In conclusion, Zingher does not disclose each and every element as set out in dependent claims 2, 22, and 41. Thus, even if independent claims are not held to be allowable, dependent claims 21, 22, and 41 are still patentable over Zingher under a sound and consistent reading of these claims.

(4) Conclusion

Because Zingher fails to teach or suggest each and every limitation of claims 1, 21, and 40, Appellant respectfully asserts that the Examiner has failed to establish a prima facie case of anticipation. Dependent claims are allowable for at least the reason that they depend from allowable independent claims. Furthermore, Zingher fails to teach or suggest each and every limitation of dependent claims 2, 22, and 41. Thus, even if independent claims are not held to be allowable, dependent claims 21, 22, and 41 are still patentable over Zingher.

Appellant respectfully requests that the Board withdraw the Examiner's rejection of claims 1-47. Because Appellant's arguments readily dispose of all rejections made in this case, Appellant further requests that the Board find that all claims 1-47 are patentable.

Respectfully submitted,

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(8) CLAIMS APPENDIX

This listing of claims will replace all prior versions and listings of claims in the application:

1. (original) A method for detecting unauthorized use of an account comprising:
 - receiving a first request from a vendor to authorize an account transaction;
 - sending a second request for authorization to an account holder;
 - receiving a first electronic response from the account holder providing a personal identification number selected from a normal personal identification number and a duress personal identification number; and
 - initiating remedial actions if the duress personal identification number is received.
2. (original) The method of claim 1, further comprising:
 - requesting approval or refusal of the account transaction from the account holder via a validation request message; and
 - receiving a second electronic response from the account holder indicating approval or refusal of the account transaction.
3. (original) The method of claim 1, wherein the first request contains information selected from an account number, an amount to be charged against the account, an amount to be debited from the account, a vendor code or combinations thereof.
4. (original) The method of claim 3, further comprising:
 - retrieving information based upon the account number and the vendor code from a validation database, wherein the information is selected from an account holder record, a vendor record, or combinations thereof.
5. (original) The method of claim 4, wherein the account holder record contains information selected from the account number, a contact address, a duress personal identification number,

a normal personal identification number, account holder preferences, billing address and combinations thereof.

6. (original) The method of claim 4, wherein the vendor record contains information selected from the vendor code, vendor name, vendor address, vendor preferences, business type or combinations thereof.
7. (original) The method of claim 1, wherein the account is selected from transaction card account, personal account, or business account.
8. (original) The method of claim 1, wherein the account transaction is selected from charging an account for goods, services or cash distributions for payment at a later date or by debiting an account for goods, services or cash distributions at the time of the account transaction.
9. (original) The method of claim 1, wherein the account transaction occurs at a point selected from a point of sale, a point of distribution, the Internet, a telephone or combinations thereof.
10. (original) The method of claim 1, further comprising:
 - comparing the first response personal identification number with at least two stored personal identification numbers in an account holder preferences stored on a validation database;
 - confirming that the first response personal identification number matches one of the at least two stored personal identification numbers, and
 - determining from the comparison whether the first response personal identification number is the normal personal identification number or the duress personal identification number, wherein the at least two stored personal identification numbers include a stored normal personal identification number and a stored duress personal identification number.
11. (original) The method of claim 2, wherein the first response was a normal personal identification number, the method further comprising:
 - sending authorization for the account transaction to the vendor if the second electronic response was approval of the account transaction.

12. (original) The method of claim 2, wherein the first response was a normal personal identification number, the method further comprising:

requesting whether the account transaction is suspected unauthorized use if the second electronic response was refusal of the account transaction; and

receiving a third electronic response indicating whether the refusal is due to suspected unauthorized use.

13. (original) The method of claim 12, wherein unauthorized use is selected from fraud, stolen transaction card, or combinations thereof.

14. (original) The method of claim 12, further comprising:

sending an instruction to the vendor refusing authorization if the third electronic response indicates that the refusal was not due to unauthorized use.

15. (original) The method of claim 12, wherein the third electronic response indicates that the refusal was due to suspected unauthorized use, the method further comprising:

retrieving vendor preferences for unauthorized use from a validation database;

notifying authorities as listed in the vendor preferences; and

sending an instruction to the vendor as directed in the vendor preferences, wherein the instruction is selected from approving authorization or refusing authorization.

16. (original) The method of claim 2, wherein the first electronic response was the duress personal identification number, the step of initiating remedial actions further comprises:

retrieving account holder preferences for duress from a validation database;

notifying authorities as listed in the account holder preferences, and

sending an instruction to vendor as listed in the account holder preferences, wherein the instruction is selected from approving authorization or refusing authorization.

17. (original) The method of claim 2, wherein the step of contacting the account holder further comprises:
- retrieving a contact address from an account holder preferences in a validation database;
 - contacting the account holder at the contact address; and
 - requesting the account holder to provide the personal identification number.
18. (original) The method of claim 17 further comprising:
- informing the account holder of the pending account transaction;
 - informing the account holder of a location and an amount for the account transaction.
19. (original) The method of claim 17, wherein the contact address is selected from a telephone number, a mobile telephone number, a pager number, an Internet address, an email address, an intranet address or combinations thereof.
20. (original) The method of claim 17, wherein a device used by the account holder to receive the validation request message is capable of receiving the validation request message through a communications network.
21. (original) A computer program product comprising:
- receiving instructions for receiving a first request from a vendor to authorize an account transaction;
 - sending instructions for sending a second request for authorization to an account holder;
 - receiving instructions for receiving a first electronic response from the account holder providing a personal identification number selected from a normal personal identification number and a duress personal identification number; and
 - initiating instructions for initiating remedial actions if the duress personal identification number is received.
22. (original) The computer program product of claim 21, further comprising:

requesting instructions for requesting approval or refusal of the account transaction from the account holder via a validation request message; and

receiving instructions for receiving a second electronic response from the account holder indicating approval or refusal of the account transaction.

23. (original) The computer program product of claim 21, wherein the first request contains information selected from an account number, an amount to be charged against the account, an amount to be debited from the account, a vendor code or combinations thereof.

24. (original) The computer program product of claim 23, further comprising:

retrieving instructions for retrieving information based upon the account number and the vendor code from a validation database, wherein the information is selected from an account holder record, a vendor record, or combinations thereof.

25. (original) The computer program product of claim 24, wherein the account holder record contains information selected from the account number, a contact address, a duress personal identification number, a normal personal identification number, account holder preferences, billing address and combinations thereof.

26. (original) The computer program product of claim 24, wherein the vendor record contains information selected from the vendor code, vendor name, vendor address, vendor preferences, business type or combinations thereof.

27. (original) The computer program product of claim 21, wherein the account is selected from transaction card account, personal account, business account.

28. (original) The computer program product of claim 21, wherein the account transaction is selected from charging an account for goods, services or cash distributions for payment at a later date or by debiting an account for goods, services or cash distributions at the time of the account transaction.

29. (original) The computer program product of claim 21, wherein the account transaction occurs at a point selected from a point of sale, a point of distribution, the Internet, a telephone or combinations thereof.

30. (original) The computer program product of claim 21, further comprising:

comparing instructions for comparing the first response personal identification number with at least two stored personal identification numbers in an account holder preferences stored on a validation database;

confirming instructions for confirming that the first response personal identification number matches one of the at least two stored personal identification numbers, and

determining instructions for determining from the comparison whether the first response personal identification number is the normal personal identification number or the duress personal identification number, wherein the at least two stored personal identification numbers include a stored normal personal identification number and a stored duress personal identification number.

31. (original) The computer program product of claim 22, wherein the first response was a normal personal identification number, the computer program product further comprising:

sending instructions for sending authorization for the account transaction to the vendor if the second electronic response was approval of the account transaction.

32. (original) The computer program product of claim 22, wherein the first response was a normal personal identification number, the computer program product further comprising:

requesting instructions for requesting whether the account transaction is suspected unauthorized use if the second electronic response was refusal of the account transaction; and

receiving instructions for receiving a third electronic response indicating whether the refusal is due to suspected unauthorized use.

33. (original) The computer program product of claim 32, wherein unauthorized use is selected from fraud, stolen transaction card, or combinations thereof.

34. (original) The computer program product of claim 32, further comprising:

sending instructions for sending an instruction to the vendor refusing authorization if the third electronic response indicates that the refusal was not due to unauthorized use.

35. (original) The computer program product of claim 32, wherein the third electronic response indicates that the refusal was due to suspected unauthorized use, the computer program product further comprises:

retrieving instructions for retrieving vendor preferences for unauthorized use from a validation database;

notifying instructions for notifying authorities as listed in the vendor preferences; and

sending instructions for sending an instruction to the vendor as directed in the vendor preferences, wherein the instruction is selected from approving authorization or refusing authorization.

36. (original) The computer program product of claim 22, wherein the first electronic response was the duress personal identification number, the step of initiating instructions for initiating remedial actions further comprises:

retrieving instructions for retrieving account holder preferences for duress from a validation database;

notifying instructions for notifying authorities as listed in the account holder preferences, and

sending instructions for sending an instruction to vendor as listed in the account holder preferences, wherein the instruction is selected from approving authorization or refusing authorization. .

37. (original) The computer program product of claim 22, wherein the step of contacting instructions for contacting the account holder further comprises:

retrieving instructions for retrieving a contact address from an account holder preferences in a validation database;

contacting instructions for contacting the account holder at the contact address; and

requesting instructions for requesting the account holder to provide the personal identification number.

38. (original) The computer program product of claim 37 further comprising:

informing instructions for informing the account holder of the pending account transaction; and

informing instructions for informing the account holder of a location and an amount for the account transaction.

39. (original) The computer program product of claim 37, wherein the contact address is selected from a telephone number, a mobile telephone number, a pager number, an Internet address, an email address, an intranet address or combinations thereof.

40. (original) A system for detecting unauthorized use of an account comprising:

means for receiving a first request from a vendor to authorize an account transaction;

means for sending a second request for authorization to an account holder;

means for receiving a first electronic response from the account holder providing a personal identification number selected from a normal personal identification number and a duress personal identification number; and

means for initiating remedial actions if the duress personal identification number is received.

41. (original) The system of claim 40, further comprising:

means for requesting approval or refusal of the account transaction from the account holder via a validation request message; and

means for receiving a second electronic response from the account holder indicating approval or refusal of the account transaction.

42. (original) The system of claim 40, wherein the first request contains information selected from an account number, an amount to be charged against the account, an amount to be debited from the account, a vendor code or combinations thereof.

43. (original) The system of claim 42, further comprising:

means for retrieving information based upon the account number and the vendor code from a validation database, wherein the information is selected from an account holder record, a vendor record, or combinations thereof.

44. (original) The system of claim 40, further comprising:

means for comparing the first response personal identification number with at least two stored personal identification numbers in an account holder preferences stored on a validation database;

means for confirming that the first response personal identification number matches one of the at least two stored personal identification numbers, and

means for determining from the comparison whether the first response personal identification number is the normal personal identification number or the duress personal identification number, wherein the at least two stored personal identification numbers include a stored normal personal identification number and a stored duress personal identification number.

45. (original) The system of claim 41, wherein the first electronic response was the duress personal identification number, the step of initiating remedial actions further comprises:

means for retrieving account holder preferences for duress from a validation database;

means for notifying authorities as listed in the account holder preferences, and

means for sending an instruction to vendor as listed in the account holder preferences, wherein the instruction is selected from approving authorization or refusing authorization.

46. (original) The system of claim 41, wherein the step of contacting the account holder further comprises:

means for retrieving a contact address from an account holder preferences in a validation database;

means for contacting the account holder at the contact address;

means for requesting the account holder to provide the personal identification number.

47. (original) The system of claim 46, further comprising:

means for informing the account holder of the pending account transaction;

means for informing the account holder of a location and an amount for the account transaction.

(9) EVIDENCE APPENDIX

NONE

(10) RELATED PROCEEDINGS APPENDIX

NONE